

ORDINANCE NO. 2021-21

AN ORDINANCE APPROVING THE ANNEXATION OF 5.30+/- ACRES FROM SCIOTO TOWNSHIP TO THE VILLAGE OF COMMERCIAL POINT AND AMENDING THE ZONING MAP.

WHEREAS, Scioto Township Board of Trustees (the "Petitioner") filed a petition for the annexation of 5.30+/- acres (the "Petition for Annexation") to the Village of Commercial Point with Pickaway County Board of County Commissioners (the "County Commissioners") on February 18, 2021; and

WHEREAS, the Village of Commercial Point on March 1, 2021 passed Resolution No. 07-2021 setting forth the services to be provided to the 5.30 ± acres; and

WHEREAS, on March 30, 2021, a hearing was held by the County Commissioners at which time evidence was presented by the Petitioner in favor of the proposed annexation and the legal description of the territory to be annexed; and

WHEREAS, the County Commissioners have approved the Petition for Annexation; and

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 709.033, the County Commissioners caused to be filed with the Clerk of the Village of Commercial Point a certified transcript of the orders of the County Commissioners showing approval of same and all other papers, including an accurate map of the territory to be annexed; and

WHEREAS, sixty (60) days from the date of receipt of the County Resolution granting the petition for annexation has now lapsed in accordance with Section 709.04 of the Ohio Revised Code; and

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point that the Petition for Annexation be accepted and the zoning classification of the proposed Annexed Territory in the Village of Commercial Point be established.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

SECTION 1: The Petition for Annexation of 5.30 +/- acres to the Village of Commercial Point is hereby accepted.

SECTION 2: The Zoning Map of the Village of Commercial Point shall be amended in accordance with Chapter 1179 the Zoning Code of the Village of Commercial Point.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect at the earliest date allowed by law.

Vote on Suspension of Readings:

Motion by: Tracy Joiner

2nd: Ryan Mitchem

Roll Call:

No Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Tracy Joiner

2nd: Ryan Mitchem

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Adopted this 21st day of June, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor



**PETITION FOR ANNEXATION
OF 5.30 ACRES
FROM SCIOTO TOWNSHIP IN PICKAWAY COUNTY
TO THE VILLAGE OF COMMERCIAL POINT, OHIO
UTILIZING THE SPECIAL PROCEDURE OF R.C. SECTION 709.023 ET SEQ.**

**TO: THE BOARD OF COUNTY COMMISSIONERS OF
PICKAWAY COUNTY, OHIO**

Now comes the undersigned petitioner, being one hundred percent (100%) of the owners of certain property as hereinafter described, and requests that their property be annexed to the Village of Commercial Point, Ohio. The territory proposed for annexation contains 5.30 acres in Scioto Township, Pickaway County and is contiguous to the boundary of the Village of Commercial Point, Ohio, for five percent (5%) or more of the perimeter of the territory proposed for annexation. The undersigned understands the territory will not be excluded from the township.

An accurate description of the perimeter of the territory sought to be annexed and a map or plat of the above-described territory sought to be annexed is attached hereto and made a part hereof as Exhibit "A" and Exhibit "B".

The annexation will not create an unincorporated area of township that is completely surrounded by the territory proposed for annexation.

There is no annexation agreement between the municipality and the township pursuant to R.C. §709.192 applicable to this annexation or an applicable Cooperative Economic Development Agreement (C.E.D.A.) pursuant to R.C. §701.07.

The number of owners in the territory sought to be annexed is one (1) and the number of owners who signed the petition is one (1).

The owner who signs this petition by their signature expressly waives their right to appeal in law or equity from the board of county commissioners' entry of any resolution passed under R.C. §709.023 and waive any rights they may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. §709.023 and further waive any rights to seek a variance that would relieve or exempt them from that buffer requirement.

ORDINANCE NO. 2021-21

Donald T. Plank, Plank Law Firm, LPA, 411 East Town St., 2nd Floor, Columbus, Ohio 43215, (614) 947-8600, is hereby appointed agent for the undersigned petitioner, as required by R.C. §709.02. Amendments to correct any discrepancy or mistake noted by the county engineer or others in their examination of the map, plat or description may be made by the presentation of an amended map or plat and description to the Pickaway County Board of County Commissioners on, before or after the date set for hearing of this petition unless otherwise specified by law.

"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE."

NAME

ADDRESS

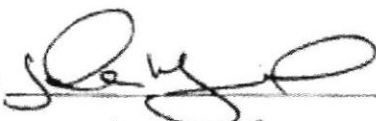
DATE

Scioto Township
Board of Trustees

6752 State Route 762
Commercial Point, Ohio 43116

1-19-2021

By:



Its:

Trustee, Chair

Printed Name:

John Maynard

ORDINANCE NO. 2021-21

Legal Description
Scioto Township, Pickaway County, Ohio
Virginia Military Survey No 6541
5.300 Acres

Situated in the Township of Scioto, County of Pickaway, and State of Ohio and in Virginia Military Survey 6541 being more particularly bounded and described as follows:

Being part of a 49.5737 acre tract described in Official Record 748, Page 1782 in the Pickaway County Recorder's Office;

Beginning at a Mag-Nail Set at the intersection of Walker Road (T-138) and Yukon Drive, being in a west line of the tract of which this is a part, and being the **TRUE POINT OF BEGINNING**;

Thence along Walker Road and with a west line of said 49.5737 acre tract, **N15°45'07"W 237.22 feet** to a Mag-Nail Found at a southwest corner of a 2.709 acre tract conveyed in Deed Book 269 Page 61 to The Village of Commercial Point, Ohio;

Thence leaving said road and with the north lines of said 49.5737 acre tract the following five courses;

1. **N75°10'52"E** (passing a 5/8" Rebar Found capped "Cottrill 6858" at 31.94 feet) **108.00 feet** to an 5/8" Rebar Found capped "Cottrill 6858";
2. With a curve to the right having a radius of 220.00 feet and a chord bearing and distance of **S80°50'28"E 178.93 feet** to an Iron Pin Set;
3. **S56°51'03"E 54.36 feet** to a 5/8" Rebar Found;
4. **S14°51'03"E 126.90 feet** to a 5/8" Rebar Found and;
5. **N75°10'23"E** (passing a 5/8" Rebar Found capped "Cottrill 6858" at 344.26 feet) **460.89 feet** to a point in Grove Run (a small stream) and being in a west line of a 49.656 acre tract conveyed in Official Record 758 Page 2259;

Thence with an east line of the tract of which this is a part and with a west line of said 49.656 acre tract, **S43°15'08"E 228.10 feet** to a point;

Thence with a new line through the tract of which this is a part, **S75°10'23"W** (passing Iron Pins Set at 60.00 feet and 849.87 feet) **874.87 feet** to a Mag-Nail Set in Walker Road;

Thence along Walker Road, **N14°27'31"W 203.45 feet** to the **TRUE POINT OF BEGINNING**;

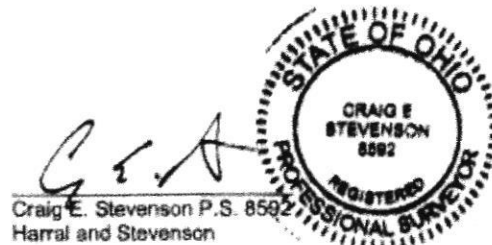
Containing 5.300 Acres, more or less.

Subject to all existing valid rights-of-way and easements of record.

Bearings are based on Walker Road as determined by GPS observation based on ODOT CORS using VRS on the NAD83(07) datum, being N15°45'07"W.

Iron Pins Set are 5/8" diameter x 30" long rebar with red plastic cap stamped "H&S 8592".

I hereby certify that the foregoing legal description and the attached plat are a true representation of the conditions as they existed on the date of the survey and that the accuracy of same is consistent with accepted surveying standards.



Craig E. Stevenson P.S. 8592
Harral and Stevenson

2/1/21
Date

SURVEY PLAT and LEGAL DESCRIPTION
MATHEMATICALLY APPROVED
PICKAWAY COUNTY ENGINEER

BY JAH DATE 2-1-2021
X FOR ANNEALING PURPOSES ONLY